

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

IN RE: ZIMMER NEXGEN KNEE
IMPLANT PRODUCTS LIABILITY
LITIGATION

MDL NO. 2272

This Document Relates to:

Master Docket Case No. 1:11-cv-05468

Warren Behrens et al., v. Zimmer, Inc., et al.,
Case No. 1:12-cv-05891

Honorable Rebecca Pallmeyer

MOTION FOR TRANSFER TO PROPER VENUE

The plaintiffs, Warren Behrens and Terri Behrens ("Plaintiffs"), respectfully move the court for an order pursuant to 28 U.S.C. § 1406 to transfer the above-captioned case to the United States District Court for the Northern District of Indiana. In support of this Motion, the Plaintiffs state as follows:

1. On July 3, 2012, Plaintiffs filed a complaint against the Zimmer Entities¹ directly into the Zimmer NexGen Knee Implant Products Liability MDL in the District Court for the Northern District of Illinois. For the reasons set forth below, venue does not lie in this District.
2. Plaintiffs are residents of New Jersey.
3. Defendant Zimmer, Inc., is a corporation organized and existing under the laws of Delaware, and has its principal place of business located in Warsaw, Indiana.
4. Defendant Zimmer Holdings, Inc. is a corporation organized and existing under the laws of Delaware, and has its principal place of business located in Warsaw, Indiana.
5. Defendant Zimmer Orthopaedic Surgical Products, Inc. is a corporation organized and existing under the laws of Delaware, and has its principal place of business in Dover, Ohio.

¹ For purposes of this Motion, the "Zimmer Entities" includes the following entities: Zimmer, Inc., Zimmer Holdings, Inc., and Zimmer Surgical, Inc., f/k/a Zimmer Orthopaedic Surgical Products, Inc.

6. Pursuant to 28 U.S.C. § 1391(b)(1), the United States District Court for the Northern District of Indiana is a proper venue for this matter.

7. Counsel for the Zimmer Entities does not object to the transfer of this matter to the District Court for the Northern District of Indiana.

8. Once this matter has been transferred to the District Court for the Northern District of Indiana, either party may file a tag-along notice, pursuant to the procedures established by the Judicial Panel On Multidistrict Litigation, for the transfer of this case back to the Northern District of Illinois and into the Zimmer NexGen Knee Implant Products Liability MDL.

WHEREFORE, Plaintiffs respectfully request the Court to issue an order transferring the above-captioned case to the District Court for the Northern District of Indiana.

Dated: November 9, 2012

Respectfully Submitted,

/s/ Peter K. Janczyk

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*Attorney for Plaintiffs Warren Behrens and
Terri Behrens*

CERTIFICATE OF SERVICE

I do hereby certify that on this November 9, 2012 a true and correct copy of the foregoing was electronically filed with the Clerk of Court and served using the CM/ECF system.

/s/ Peter K. Janczyk

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